

## ENVIRONMENTAL QUALITY

## CHAPTER 30

## WATER QUALITY

## Sub-Chapter 2

## Water Quality Permit and Authorization Fees

Rule 17.30.201      Permit Application, Degradation  
Authorization, and Annual Permit Fees

## Sub-Chapter 2

## Water Quality Permit and Authorization Fees

17.30.201 PERMIT APPLICATION, DEGRADATION AUTHORIZATION, AND ANNUAL PERMIT FEES (1) The purpose of this rule is to establish fee schedules for use in determining fees to be paid to the department under 75-5-516, MCA. Fees to be paid are the sum of the fees in the applicable schedules. There are three types of fees imposed under this rule:

- (a) a permit application fee (Schedule I);
- (b) a degradation authorization fee (Schedule II); and
- (c) an annual permit fee (Schedule III).

(2) A person who applies for a permit, certificate, license, notice of intent or other authorization required by rule under 75-5-201, 75-5-301 or 75-5-401, MCA, or for a modification or renewal of any of these authorizations, shall pay to the department a permit application fee as determined under (5) of this rule.

(3) A person whose activity requires an application to degrade state waters under 75-5-303, MCA, and subchapter 7 of this chapter shall submit a degradation authorization fee with the application, as determined under (6) of this rule.

(4) A person who holds a permit, certificate, license, or other authorization required by rule under 75-5-201 or 75-5-401, MCA, shall pay to the department an annual permit fee as determined under (7) of this rule.

(5) The fee schedule for new or renewal applications for a Montana pollutant discharge elimination system permit under subchapter 11 or 13 of this chapter, a Montana ground water pollution control system permit under subchapter 10 of this chapter, or any other authorization under 75-5-201, 75-5-301 or 75-5-401, MCA, or rules promulgated under these authorities, is set forth below as schedules I.A, I.B and I.C. Payment of the permit application fee is due upon submittal of the application. For new applications under Schedules I.A or I.B, the annual fee from Schedule III for the first year must also be paid at the time of application.

## Schedule I.A Application Fee for Individual Permits

Category	Amount <sup>(1)</sup>
Publicly owned treatment works - major.....	\$4,000
Privately owned treatment works - major.....	4,500
Publicly owned treatment works - minor.....	1,000
Privately owned treatment works - minor.....	2,500
Ground water, domestic wastes.....	1,200
Ground water, industrial or other wastes.....	1,500

<sup>(1)</sup> Per outfall, multiple storm water outfalls limited to a maximum of five outfalls.

## Schedule I.B Application Fee for General Permits

Category	Amount <sup>(1)</sup>
Concentrated animal feeding operation, greater than 1,000 animal units.....	\$ 450
Concentrated animal feeding operation, less than 1,000 animal units.....	300
Construction dewatering.....	300
Fish farms.....	300
Produced water.....	450
Suction dredge.....	250
Sand and gravel.....	450
Domestic sewage treatment lagoon.....	500
Disinfected water.....	500
Petroleum cleanup.....	500
Storm water associated with construction, residential (single family dwelling).....	250
Storm water associated with construction, commercial or public.....	450
Storm water associated with industrial activities.....	500
Storm water associated with mining, oil and gas.....	500
Storm water municipal separate storm sewer system (MS4).....	1,500
Ground water remediation or dewatering.....	700
Ground water potable water treatment facilities.....	700
Other general permit, not listed above.....	400

<sup>(1)</sup> Per outfall, multiple storm water outfalls limited to a maximum of five outfalls.

## Schedule I.C Application Fee for Other Activities

Category	Amount <sup>(1)</sup>
Short-term water quality standard, turbidity "318 authorization".....	\$150
Short-term water quality standard, remedial activities and pesticide application "308 authorization".....	250
Storm water no exposure certification.....	100
Storm water construction waiver.....	100
Federal Clean Water Act section 401 certification.....	Varies <sup>(2)</sup>
Review plans and specifications to determine if permit is necessary, pursuant to 75-5-402(2), MCA.....	½ Applicable Fee
Major amendment.....	Application Fee
Minor amendment, includes transfer of ownership.....	200

<sup>(1)</sup> Per outfall, multiple storm water outfalls limited to a maximum of five outfalls.

<sup>(2)</sup> Minimum fee is \$350, or 1% of gross value of proposed project, not to exceed \$10,000.

(a) An application fee for multiple discharge points is not required if there are multiple discharge points from the same source that have similar effluent characteristics, unless the discharges are to different receiving waters or stream segments, or result in multiple or variable (flow dependent) effluent limits or monitoring requirements.

(b) If a resubmitted application contains substantial changes causing significant additional review, the department may require an additional application fee to be paid before any further review is conducted. The additional fee must be calculated in the same manner as the original fee and based on those parts of the application that must be reviewed again because of the change. The department shall give written notice of the assessment within 30 days after receipt of the resubmittal and provide for appeal as specified in (10) below.

(6) The fee schedule for new or renewal authorizations to degrade state waters under subchapter 7 of this chapter is set forth in Schedule II. Payment of the degradation authorization fee is due upon submittal of the applications. If an application for authorization to degrade state waters is denied, the department shall return any portion of the fee that it does not use to review the application.

Schedule II. Review of Authorizations to Degrade

Category	Amount
Domestic sewage treatment .....	\$2,500 <sup>(1)</sup>
Industrial activity.....	5,000 <sup>(1)</sup>
Subdivision, 1-9 lots.....	120/lot
Subdivision, 10+ lots.....	200/lot <sup>(2)</sup>

<sup>(1)</sup> Per outfall, limited to a maximum of five falls.

<sup>(2)</sup> Maximum fee is \$5,000 per subdivision.

(a) For purposes of (5) and (6) above, if a resubmitted application or petition contains substantial changes potentially causing additional or different sources of pollution that require the application or petition to be reviewed again, the department may require an additional application fee to be paid before any further substantive review. The additional fee must be calculated in the same manner as the original fee and based on those parts of the application that must be reviewed again because of the change. The department shall give written notice of the assessment within 30 days after receipt of the resubmittal and provide for appeal as specified in (10) below.

(7) The annual permit fee is set forth in Schedules III.A and III.B. No annual fee is required for activities listed in Schedule I.C under (5) of this rule.

Schedule III.A Annual Fee for Individual Permits

Category	Minimum Fee <sup>(1)</sup>	Fee Per Million Gallons of Effluent per Day (MGD)
Publicly owned treatment works - major	\$2,000	\$2,500
Privately owned treatment works - major	3,000	3,000 <sup>(2)</sup>

## WATER QUALITY

17.30.201

Publicly owned treatment works - minor	\$1,000	\$2,500
Privately owned treatment works - minor	1,000	3,000 <sup>(2)</sup>
Privately owned treatment works - minor <sup>(3)</sup>	750	750
Ground water, domestic wastes	750	3,000
Ground water, industrial or other wastes	1,500	3,000 <sup>(2)</sup>

<sup>(1)</sup> Per outfall, multiple storm water outfalls limited to a maximum of five outfalls.

<sup>(2)</sup> Except \$750 per MGD if effluent is noncontact cooling water.

<sup>(3)</sup> Noncontact cooling water only.

## Schedule III.B Annual Fee for General Permits

Category	Amount <sup>(1)</sup>
Concentrated animal feeding operation, greater than 1,000 animal units.....	\$300
Concentrated animal feeding operation, less than 1,000 animal units.....	250
Construction dewatering.....	250
Fish farms.....	250
Produced water.....	450
Portable suction dredges.....	200
Sand and gravel production.....	450
Domestic sewage treatment lagoon.....	500
Disinfected water.....	450
Petroleum cleanup.....	450
Storm water associated with construction, residential (single family dwelling).....	NA
Storm water associated with construction, commercial or public.....	450
Storm water associated with industrial activities.....	650
Storm water associated with mining, oil and gas.....	650
Storm water municipal separate storm sewer system (MS4).....	650
Ground water remediation or dewatering.....	450
Potable water treatment facilities.....	450
Other general permit, not listed above.....	350

<sup>(1)</sup> Per outfall, multiple storm water outfalls limited to a maximum of five outfalls.

(a) A facility that consistently discharges effluent at less than or equal to one-half of its effluent limitations and is in compliance with other permit requirements, using the previous year's discharge data, is entitled to a 25% reduction in its annual permit fee. Proportionate reductions in annual fee of up to 25% may be given to facilities that consistently discharge effluent at levels between 50% and 100% of their permit effluent limitations. The annual average of the percentage of use of each parameter limit will be used to determine an overall percentage. A new permittee is not eligible for fee reduction in its first year of operation. A permittee with a violation of any effluent limit during the previous year is not eligible for fee reduction.

(b) The annual permit fee is assessed for each state fiscal year. The fee for the fiscal year must be received by the department by no later than March 1 following the commencement of the fiscal year. The fee must be paid by a check or money order made payable to the state of Montana, department of environmental quality.

(8) If a person assessed a fee under this rule fails to pay the fee within 90 days after the due date for payment, the department may:

(a) impose an additional assessment consisting of 15% of the fee plus interest on the required fee computed at the rate established under 15-31-510(3), MCA; or

(b) suspend the processing of the application for a permit or authorization or, if the nonpayment involves an annual permit fee, suspend the permit, certificate, license or other authorization for which the fee is required. The department may lift the suspension at any time up to one year after the suspension occurs if the holder has paid all outstanding fees, including all penalties, assessments, and interest imposed under this subsection.

(9) The department shall give written notice to each person assessed a fee under this rule of the amount of fee that is assessed and the basis for the department's calculation of the fee. This notice must be issued at least 30 days prior to the due date for payment of the assessment.

(10) Persons assessed a fee under this rule may appeal the department's fee assessment to the board within 20 days after receiving written notice of the department's fee determination. The appeal to the board must include a written statement detailing the reasons why the permit holder or applicant considers the department's fee assessment to be erroneous or excessive.

(a) If part of the department's fee assessment is not in dispute in an appeal filed under (10) above, the undisputed portion of the fee must be paid to the department upon written request of the department.

(b) The contested case provisions of the Montana Administrative Procedure Act, provided for in Title 2, chapter 4, part 6, MCA, apply to a hearing before the board under this section. (History: 75-5-516, MCA; IMP, 75-5-516, MCA; NEW, 1994 MAR p. 672, Eff. 2/25/94; TRANS, from DHES, 1996 MAR p. 1499; AMD, 2002 MAR p. 382, Eff. 2/15/02.)



